

ment's Bacteriological Department, and also by Menno D. Voth, one of its chemists. Dr. Hunter examined 22 cans of Code F. U. 10 and found no evidence of decomposition; 48 cans of Code F. U. 19, and found 3 cans in which he detected odor of decomposition, and 48 cans of Code F. U. 22, and found 37 cans in which he detected the odor of decomposition. Menno D. Voth examined 24 cans of Code F. U. 10 and found 1 can which he described as 'putrid'; 46 cans of Code F. U. 19 and found 3 cans described as putrid; and 51 cans of Code F. U. 22, in which he found 44 cans described as putrid.

"6. The second samples taken were examined on behalf of the Food and Drug Administration by Dr. Hunter and Fred M. Hillig, one of its chemists, and on behalf of the defendant by Norman D. Jarvis, Assistant Fisheries Technologist for the Bureau of Fisheries, Arthur L. Marshall, Superintendent of the Canning Plants of the General Sea Foods, and Julian M. Weaver, Chief Chemist of Froehling & Robertson, of Richmond, Virginia.

"7. From the second samples, Dr. Hunter examined 18 cans of Code F. U. 10 and found 2 cans with odor of decomposition; 40 cans Code F. U. 19 and found 2 cans which contained odor of decomposition and 46 cans Code F. U. 22 and found 40 cans which had an odor of decomposition. In this examination Dr. Hunter used the smell test.

"8. From the second samples, Mr. Hillig examined 3 cans of Code F. U. 10, 4 cans of Code F. U. 19 and 10 cans of Code F. U. 22 and found all of them to be decomposed. Mr. Hillig made a chemical analysis based upon a volatile acid test.

"9. From the second samples, Mr. Weaver examined 13 cans of Code F. U. 10 and found them all good; 33 cans of Code F. U. 19 and found one of them which showed evidence of decomposition; and 31 cans of Code F. U. 22 and found them all good. Mr. Weaver used the electrometric chemical test and also the smell test.

"10. From the second samples, Mr. Marshall used the smell test in examining 6 cans of Code F. U. 10, 12 cans of Code F. U. 19 and 12 cans of Code F. U. 22 and found them all good.

"11. Mr. Jarvis also used the smell test in his examination of the second samples and found all of the cans examined good. Mr. Jarvis examined 6 cans of Code F. U. 10, 12 cans of Code F. U. 19 and 22 cans of Code F. U. 22.

"12. The witnesses of the defendant and for the Government, other than Mr. Hillig, examined 89 cans of Code F. U. 10 and found 3 cans bad; 191 cans of Code F. U. 19 and reported 9 cans to be bad; 200 cans of Code F. U. 22 and found 121 to be bad; while Mr. Hillig examined 3 cans of Code F. U. 10, 4 cans of Code F. U. 19 and 17 cans of Code F. U. 22 and reported all of them to be bad.

"CONCLUSIONS

"1. The United States has failed to make out a case which warrants the condemnation of Code F. U. 10 and Code F. U. 19.

"The sharp conflict in the testimony between the results obtained from the examinations made by Mr. Hillig on the one hand and the results obtained from the examinations of the five other experts, two of whom were introduced by the Government, raises a serious doubt as to the efficacy of the chemical analyses made by Mr. Hillig.

"2. The evidence sustains the Government's contention that Code F. U. 22 should be condemned.

"The Court would reach the same conclusion as to Code F. U. 22 on the evidence other than that of Mr. Hillig.

"An order in accordance with the views expressed herein may be presented after reasonable notice."

On July 26, 1943, an order was issued releasing the cans coded Fu-10 and Fu-19 to the claimant, and condemning the cans coded Fu-22, and ordering their destruction.

6692. Adulteration of frozen haddock, cod, and hake. U. S. v. O'Hara Bros. Co., Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 5521. Sample Nos. 28529-E, 28532-E, 28534-E, 28535-E, 34583-E, 39522-E, 39523-E, 39528-E, 39529-E, 39536-E to 39539-E, incl., 51015-E.)

INFORMATION FILED: On January 15, 1942, in the District of Massachusetts, against the O'Hara Bros. Co., Inc., trading as the Gloucester Fresh Fish Co., the Bay Fish Co., the Coleman Son Co., the Star Fish Co., and the Rush Fish Co., at Boston, Mass.

ALLEGED SHIPMENT: Between the approximate dates of August 12 and Novem-

ber 8, 1940, from the State of Massachusetts into the States of Virginia, Missouri, and New York.

LABEL, IN PART: (Portions) "Northeast Brand Haddock [or "Cod"] Fillets."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of putrid and decomposed substances.

DISPOSITION: April 18, 1944. A plea of nolo contendere having been entered, the defendant was fined \$50 on each of 4 counts, a total fine of \$200.

6693. Adulteration of frozen haddock, ocean perch, and red perch fillets, and frozen H & G whiting. U. S. v. Genoa Fisheries, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7254. Sample Nos. 42475-E, 42478-E, 64304-E, 64309-E, 64317-E, 64319-E, 64324-E, 64330-E.)

INFORMATION FILED: On July 6, 1942, in the District of Massachusetts, against the Genoa Fisheries, Inc., Boston, Mass.

ALLEGED SHIPMENT: From on or about July 7 to August 25, 1941, from the State of Massachusetts into the State of Pennsylvania.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and, in addition, one lot consisted in whole or in part of a filthy substance by reason of the presence of parasitized fish.

DISPOSITION: April 18, 1944. The defendant having entered a plea of guilty, a fine of \$25 was imposed on each of 4 counts, a total fine of \$100.

6694. Adulteration of fresh herring. U. S. v. 6 Boxes of Herring. Default decree of condemnation and destruction. (F. D. C. No. 11925. Sample No. 55050-F.)

LIBEL FILED: March 1, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 23, 1944, by the Wolverine Fish Co., from Cooks, Mich.

PRODUCT: 6 boxes, each containing 100 pounds, of herring at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6695. Adulteration of frozen margate fish. U. S. v. 68 Cartons of Frozen Margate Fish. Default decree of condemnation and destruction. (F. D. C. No. 11981. Sample No. 35028-F.)

LIBEL FILED: On or about March 11, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 20, 1943, by the Forty Fathom Fish Co., from Miami, Fla.

PRODUCT: 68 cartons, each containing 30 pounds, of frozen margate fish at Atlanta, Ga.

LABEL, IN PART: (Carton) "40-Fathom * * * Frosted Bahamian Margate Fish * * * Packed by General Seafood Bahamas Limited Nassau Bahamas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6696. Adulteration of frozen mullet. U. S. v. 108 Bags of Frozen Mullet. Default decree of condemnation and destruction. (F. D. C. No. 11916. Sample No. 35018-F.)

LIBEL FILED: February 28, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 14, 1943, by C. N. Johnson, from Jacksonville, Fla.

PRODUCT: 108 bags, each containing 100 pounds, of frozen mullet at Atlanta, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery of the product to a Federal penitentiary, to be used as fertilizer.